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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:21-CR-211-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: March 21, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 21, 2023.
2. By this stipulation, defendant now moves to continue the status conference until May 30, 2023, for a status conference (likely change of plea hearing), and to exclude time between March 21, 2023, and May 30, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 400 pages of investigative reports, photographs, and other documents and materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to review the discovery, conduct
2 factual investigation, review the charges and potential defenses and resolutions, confer with their
3 client, and otherwise prepare for trial. In particular, counsel for defendant recently retained a
4 defense expert and need additional time to consult with the expert and defendant. In addition,
5 one of defendant's counsel recently had a surgical procedure that has inhibited counsel's ability
6 for necessary client visits.

7 c) Counsel for defendant believes defendant will likely wish to change his plea at the
8 next status conference. However, counsel for defendant have not had sufficient opportunity to
9 meet with defendant to finalize the plea agreement and confirm that he desires to change his plea
10 pursuant to the proposed plea agreement. In the event defendant does not decide to plead guilty
11 by the next court date, the time counsel needs to meet with defendant will also be necessary for
12 counsel's trial preparation.

13 d) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny them the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 e) The government does not object to the continuance.

17 f) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of March 21, 2023 to May 30, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
23 because it results from a continuance granted by the Court at defendant's request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

1 IT IS SO STIPULATED.

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4 Dated: March 15, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

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9 Dated: March 15, 2023

/s/ Megan Virga
Megan Virga
Ronald Peters
Counsel for Defendant
ARMANDO CHRISTOPHER
TABAREZ

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15 **ORDER**

16 Pursuant to the stipulation of the parties, the status conference in this is continued to May 30,
17 2023, at 9:30 a.m. and time is excluded between March 21, 2023, and May 30, 2023, under Local Code
18 T4.

19 IT IS SO ORDERED.

20 Dated: March 15, 2023

Dale A. Drogel
UNITED STATES DISTRICT JUDGE